

**United States District Court
Eastern District of Wisconsin (Milwaukee)
CIVIL DOCKET FOR CASE #: 2:23-cv-00849-WED**

Kolcu v. Verizon Communications Inc et al
Assigned to: Magistrate Judge William E Duffin
Demand: \$216,000
Cause: 42:1983 Civil Rights Act

Date Filed: 06/26/2023
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Alper Kolcu

represented by **Alper Kolcu**
225 N 66th St
Milwaukee, WI 53213
312-404-2424
PRO SE

V.

Defendant

Verizon Communications Inc

represented by **Brian G Nuedling**
Jackson Lewis PC
22 E Mifflin St – Ste 800
Madison, WI 53703
608-807-5278
Fax: 608-260-0058
Email: brian.nuedling@jacksonlewis.com
ATTORNEY TO BE NOTICED

Michaela Hendricks
Jackson Lewis PC
22 E Mifflin St – Ste 800
Madison, WI 53703
608-807-5286
Fax: 608-260-0058
Email: michaela.hendricks@jacksonlewis.com
ATTORNEY TO BE NOTICED

Defendant

Verizon Business Ntwk Srvs LLC
Agent for MCI Comm Services LLC
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MCI Communications Srvs Inc
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Thomas Pietila
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)

ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Joseph Glisczinski
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mark Peeters
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Marc Fisher
TERMINATED: 02/06/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Corey Saffert
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Verizon Business Office
VZB New Berlin
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Kirti Rose
sued as Kirti (Kitty) Rose
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Chelsea J Meyers
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Leslie Stephenson
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael Calantone
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Winsome Taik
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John M Laughon
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lisa Lauture
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Alice Hsieh
TERMINATED: 02/01/2024

represented by **Brian G Nuedling**
(See above for address)
ATTORNEY TO BE NOTICED

Michaela Hendricks
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Roy Piestley***TERMINATED: 02/01/2024*represented by **Brian G Nuedling**

(See above for address)

ATTORNEY TO BE NOTICED**Michaela Hendricks**

(See above for address)

ATTORNEY TO BE NOTICED**Defendant****Verizon Benefits Center***TERMINATED: 02/01/2024*represented by **Brian G Nuedling**

(See above for address)

ATTORNEY TO BE NOTICED**Michaela Hendricks**

(See above for address)

ATTORNEY TO BE NOTICED**Defendant****John Doe 1–9**represented by **Brian G Nuedling**

(See above for address)

ATTORNEY TO BE NOTICED**Michaela Hendricks**

(See above for address)

ATTORNEY TO BE NOTICED**Defendant****Jane Doe 1–9**represented by **Brian G Nuedling**

(See above for address)

ATTORNEY TO BE NOTICED**Michaela Hendricks**

(See above for address)

ATTORNEY TO BE NOTICED**Defendant****ABC Companies**represented by **Brian G Nuedling**

(See above for address)

ATTORNEY TO BE NOTICED**Michaela Hendricks**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/26/2023	<u>1</u>	PRO SE COMPLAINT against All Defendants filed by Plaintiff Alper Kolcu. Consent forms distributed for Magistrate Judge William E Duffin. Jury Demand (Attachments: # <u>1</u> Exhibits)(amh)
06/26/2023	<u>2</u>	MOTION for Leave to Proceed Without Prepayment of the Filing Fee by Plaintiff Alper Kolcu. (amh)
06/26/2023	<u>3</u>	Magistrate Judge Jurisdiction Form filed by Plaintiff Alper Kolcu. (NOTICE: Pursuant to Fed.R.Civ.P. 73 this document is not viewable by the judge.) (amh)
07/05/2023	<u>4</u>	ORDER signed by Judge Lynn Adelman on 07/05/23. IT IS ORDERED that plaintiff's request to proceed in forma pauperis is DENIED. Plaintiff shall pay the filing fee to the Clerk of Court on or before July 26, 2023. Plaintiff is advised that if he fails to do so, the court will dismiss this action for failure to pay the filing fee. (cc: all counsel

		and mailed to pro se party)(kmr) (Entered: 07/06/2023)
07/11/2023		FILING FEE Received: \$402, receipt number 276I7PRO (jcl)
07/12/2023		Summons issued and service packet mailed to Pro Se Plaintiff as to All Named Defendants. (amh)
08/03/2023	<u>5</u>	SUMMONS Returned Executed; Verizon served on 8/3/2023. (amh) (Entered: 08/04/2023)
08/03/2023	<u>6</u>	SUMMONS Returned Executed; Verizon served on 8/3/2023. (amh) (Entered: 08/04/2023)
08/03/2023	<u>7</u>	Receipt of Certified Mail filed by Plaintiff. (amh) (Entered: 08/04/2023)
08/24/2023	<u>8</u>	Magistrate Judge Jurisdiction Form filed by All Defendants. (NOTICE: Pursuant to Fed.R.Civ.P. 73 this document is not viewable by the judge.) (Nuedling, Brian)
08/24/2023	<u>9</u>	DISCLOSURE Statement by All Defendants. (Nuedling, Brian)
08/24/2023	<u>10</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> by All Defendants. (Nuedling, Brian)
08/24/2023	<u>11</u>	BRIEF in Support filed by All Defendants re <u>10</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> . (Nuedling, Brian)
08/24/2023	<u>12</u>	CERTIFICATE OF SERVICE by All Defendants (Nuedling, Brian)
08/24/2023	<u>13</u>	NOTICE of Appearance by Michaela Hendricks on behalf of All Defendants. Attorney(s) appearing: Michaela A. Hendricks (Hendricks, Michaela)
08/29/2023	<u>14</u>	ORDER REASSIGNING CASE ON CONSENT signed by Judge Lynn Adelman on 8/29/2023. Case reassigned to Magistrate Judge William E Duffin for all further proceedings. (cc: all counsel and mailed to pro se party)(amh) (Entered: 08/30/2023)
09/15/2023	<u>15</u>	MOTION for Entry of Default by Alper Kolcu. (Attachments: # <u>1</u> Certificate of Service)(mlm) (Entered: 09/18/2023)
09/15/2023	<u>16</u>	DECLARATION of Alper Kolcu in Support of Motion for Entry of Default. (Attachments: # <u>1</u> Exhibits 1–5 (bookmarked))(mlm) (Entered: 09/18/2023)
09/15/2023	<u>17</u>	AFFIDAVITS of MAILING by Alper Kolcu and Katy Bowen. (mlm) (Entered: 09/18/2023)
09/21/2023	<u>18</u>	REQUEST by Alper Kolcu For Entry of Default. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Certificate of Service)(mlm)
09/21/2023	<u>19</u>	AFFIDAVIT of Mailing by Alper Kolcu. (mlm)
10/03/2023	<u>20</u>	BRIEF in Opposition filed by All Defendants re <u>15</u> MOTION for Entry of Default . (Nuedling, Brian)
10/03/2023	<u>21</u>	MOTION for Leave to File <i>Amended Motion to Dismiss</i> by All Defendants. (Nuedling, Brian)
10/03/2023	<u>22</u>	BRIEF in Support filed by All Defendants re <u>21</u> MOTION for Leave to File <i>Amended Motion to Dismiss</i> . (Nuedling, Brian)
10/03/2023	<u>23</u>	PROPOSED Order on Defendants' Motion for Leave to Amend filed by All Defendants. (Nuedling, Brian)
10/03/2023	<u>24</u>	CERTIFICATE OF SERVICE by All Defendants (Nuedling, Brian)
10/11/2023	<u>25</u>	ORDER signed by Magistrate Judge William E Duffin on 10/11/2023. The plaintiff Alper Kolcu will have until November 1, 2023, to serve the defendants. The court will grant the defendants' motion to dismiss as to any defendant not properly served by that date. The court will defer ruling on the defendants' motion to dismiss pursuant to Rules 8(a), 8(d)(1), 10(b), 12(b)(5), and 12(b)(6) until the defendants have been served. Kolcus motion for entry of default is DENIED. (cc: all counsel and mailed to pro se party)(mlm)

10/12/2023	<u>26</u>	SUMMONS Returned Executed by Alper Kolcu. MCI Communications Srvs Inc served on 10/12/2023; Verizon Business Ntwk Srvs LLC served on 10/12/2023; Verizon Communications Inc served on 10/12/2023. (MCI Communications Corporation also served; not listed as a defendant in this case.) (Attachments: # <u>1</u> Exhibit – Process Server Bill, # <u>2</u> Exhibit – Affidavit of Service by plaintiff)(mlm) (Entered: 10/13/2023)
10/12/2023	<u>27</u>	AFFIDAVIT of Alper Kolcu on refusal of service by Jackson Lewis PC. (mlm) (Additional attachment(s) added on 10/17/2023: # <u>1</u> proof of service) (cmb). (Entered: 10/13/2023)
10/12/2023	<u>29</u>	MOTION for Extension of Time for Time to Serve Defendant and MOTION for Order Directing Clerk of Court to Authenticate Publications by Alper Kolcu. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(mlm) (Entered: 10/13/2023)
10/13/2023	<u>28</u>	AFFIDAVIT of Andrew Artrip of refusal of service by CT Corp in Madison, WI. (mlm)
10/17/2023	<u>30</u>	AFFIDAVIT OF SERVICE of Carrie Czarapta– refusal of service upon Verizon/MCI Communications at 15725 W. Ryerson Rd, New Berlin, WI. (mlm) (Entered: 10/18/2023)
10/17/2023	<u>31</u>	AFFIDAVIT of SERVICE of Carrie Czarapta – refusal of service at CT Corp, 301 S Bedford Rd, Ste 1, Madison, WI. for MCI Communication Services. (mlm) (Entered: 10/18/2023)
10/17/2023	<u>32</u>	AFFIDAVIT of SERVICE of Carrie Czarapta –refusal of Service upon MCI Communication Services. (mlm) (Entered: 10/18/2023)
10/17/2023	<u>33</u>	AFFIDAVIT of SERVICE by Alper Kolcu – of documents received from Speedy Notary NJ. (mlm) (Entered: 10/18/2023)
10/17/2023	<u>34</u>	CERTIFICATE OF SERVICE by Alper Kolcu (mlm) (Entered: 10/18/2023)
10/19/2023	<u>35</u>	BRIEF in Opposition filed by All Defendants re <u>29</u> MOTION for Extension of Time MOTION for Order <i>Directing the Clerk of Court to Authenticate Publications Summons</i> . (Nuedling, Brian)
10/19/2023	<u>36</u>	DECLARATION of Michaela Hendricks (Attachments: # <u>1</u> Exh. A to Declaration of M. Hendricks, # <u>2</u> Exh. B to Declaration of M. Hendricks, # <u>3</u> Exh. C to Declaration of M. Hendricks)(Nuedling, Brian)
10/19/2023	<u>37</u>	CERTIFICATE OF SERVICE by All Defendants (Nuedling, Brian)
10/20/2023	<u>38</u>	REPLY BRIEF in Support filed by Alper Kolcu re <u>29</u> MOTION for Extension of Time MOTION for Order. (asc) (Entered: 10/23/2023)
10/20/2023	<u>39</u>	AFFIDAVIT of Efforts to Serve Defendants. (asc) (Entered: 10/23/2023)
10/24/2023	<u>40</u>	LETTER from Brian G. Nuedling <i>regarding plaintiff reply brief</i> . (Nuedling, Brian)
10/24/2023	<u>41</u>	MOTION for Order to Show Cause by Alper Kolcu. (Attachments: # <u>1</u> Text of Proposed Order)(mlm)
10/24/2023	<u>42</u>	BRIEF in Opposition filed by Alper Kolcu re <u>21</u> MOTION for Leave to File <i>Amended Motion to Dismiss</i> . (Attachments: # <u>1</u> Exhibit 1)(mlm)
10/24/2023	<u>43</u>	DECLARATION of Alper Kolcu in Support of <u>41</u> Motion for Order to Show Cause. (Attachments: # <u>1</u> Exhibits 1 & 2 – Bookmarked)(mlm)
10/24/2023	<u>44</u>	AFFIDAVIT of Alper Kolcu in Support of Motion for Order to Show Cause. (mlm) (Main Document 44 replaced on 10/24/2023) (mlm).
10/24/2023	<u>45</u>	CERTIFICATE OF SERVICE by Alper Kolcu (mlm)
10/25/2023	<u>46</u>	ORDER signed by Magistrate Judge William E Duffin on 10/25/23. The plaintiff Alper Kolcu's "Motion for an Extension of Time to Serve Defendant and for Order Directing Clerk of Court to Authenticate Publications by Alper Kolcu" (ECF No. <u>29</u>) is GRANTED IN PART and DENIED IN PART. IT IS ORDERED that Kolcu will have until December 1, 2023, to serve the defendants. (cc: all counsel and mailed to

		pro se party)(mlm)
10/31/2023	<u>47</u>	MOTION for Reconsideration of Order <u>25</u> by Alper Kolcu. (Attachments: # <u>1</u> Certificate of Service)(mlm) (Entered: 11/01/2023)
10/31/2023	<u>48</u>	BRIEF in Support filed by Alper Kolcu re <u>47</u> MOTION for Reconsideration. (Attachments: # <u>1</u> Exhibit)(mlm) (Entered: 11/01/2023)
10/31/2023	<u>49</u>	AFFIDAVIT of Alper Kolcu. (mlm) (Entered: 11/01/2023)
11/01/2023	<u>50</u>	PUBLICATION SUMMONS – EMPLOYMENT DISCRIMINATION from Alper Kolcu. (mlm)
11/01/2023	<u>51</u>	AFFIDAVIT of Address for Court Records by Alper Kolcu. (Attachments: # <u>1</u> Exhibit)(mlm)
11/01/2023	<u>52</u>	AFFIDAVIT of SERVICE – Verizon Communications, Inc. (MN) by Alper Kolcu. (Attachments: # <u>1</u> Exhibits 1–4 (bookmarked), # <u>2</u> Certificate of Service)(mlm)
11/02/2023	<u>53</u>	ORDER signed by Magistrate Judge William E Duffin on 11/2/2023 DENYING <u>47</u> Plaintiff's Motion for Reconsideration. (cc: all counsel and mailed to pro se Plaintiff)(lz)
11/06/2023	<u>54</u>	AFFIDAVIT of Michael Brost of service of summons and complaint upon Verizon Business Network Services LLC and MCI Communications Services LLC. (lz) (Entered: 11/07/2023)
11/07/2023	<u>55</u>	REPLY BRIEF in Support filed by All Defendants re <u>21</u> MOTION for Leave to File <i>Amended Motion to Dismiss</i> . (Nuedling, Brian)
11/07/2023	<u>56</u>	CERTIFICATE OF SERVICE by All Defendants (Nuedling, Brian)
11/14/2023	<u>57</u>	BRIEF in Opposition filed by All Defendants re <u>41</u> MOTION for Order to Show Cause <i>and Enter Sanctions</i> . (Nuedling, Brian)
11/14/2023	<u>58</u>	CERTIFICATE OF SERVICE by All Defendants (Nuedling, Brian)
11/14/2023	<u>59</u>	OBJECTIONS by Alper Kolcu re <u>53</u> Order on Motion for Reconsideration. (mlm) (Entered: 11/15/2023)
11/14/2023	<u>60</u>	BRIEF filed by Alper Kolcu in Support of his <u>59</u> Objections to <u>53</u> Order on Motion for Reconsideration. (mlm) (Entered: 11/15/2023)
11/14/2023	<u>61</u>	BRIEF filed by Alper Kolcu in Support of Proposed Order re <u>53</u> Order on Motion for Reconsideration. (Attachments: # <u>1</u> Text of Proposed Order)(mlm) (Entered: 11/15/2023)
11/14/2023	<u>62</u>	MOTION for Nunc Pro Tunc Order by Alper Kolcu. (mlm) (Entered: 11/15/2023)
11/28/2023	<u>63</u>	BRIEF in Opposition filed by All Defendants re <u>47</u> MOTION for Reconsideration, <u>62</u> MOTION for Order <i>re Nuc Pro Tunc</i> . (Nuedling, Brian)
11/28/2023	<u>64</u>	CERTIFICATE OF SERVICE by All Defendants (Nuedling, Brian)
12/06/2023	<u>65</u>	AFFIDAVIT of PERSONAL SERVICE by Alper Kolcu. (Attachments: # <u>1</u> Certificate of Service)(mlm) (Entered: 12/07/2023)
12/08/2023	<u>66</u>	REPLY BRIEF filed by Alper Kolcu in support of objection <u>59</u> and proposed nunc pro tunc Order <u>62</u> . (mlm)
12/11/2023	<u>67</u>	SUMMONS Returned Executed by Alper Kolcu. Marc Fisher served on 11/5/2023; Joseph Glisczinski served on 11/2/2023; Mark Peeters served on 11/5/2023; Corey Saffert served on 11/5/2023; Verizon Business Ntwk Srvs LLC c/o CT Corp. served on 11/3/2023. (Attachments: # <u>1</u> Cover Letter)(mlm)
12/11/2023	<u>68</u>	Summons Returned Unexecuted by Alper Kolcu as to Thomas Pietila. (mlm)
02/01/2024	<u>69</u>	DECISION AND ORDER signed by Magistrate Judge William E Duffin on 2/1/2024. Kolcu's "Motion to Order for Show Cause and Enter Sanctions" (ECF No. <u>41</u>) is denied. "Plaintiff's Objection to Magistrate Judge's Non–Dispositive Order (Dkt <u>53</u>) Pursuant to F.R.C.R. R. 72(a)" (ECF No. <u>59</u>) is denied. "Plaintiff's Motion for Nunc

		Pro Tunc Order Pursuant to F.R.C.P. R. 72(a) & Actus Curiae Neminem Gravabit" (ECF No. <u>62</u>) is denied. Defendants' motion for leave to file an amended motion to dismiss (ECF No. <u>21</u>) is granted. Defendants' amended motion to dismiss is granted in part and denied in part. The motion is granted with respect to defendants "Verizon Business Ntwk Srvs LLC," "MCI Communications Srvs Inc.," Thomas Pietila, Joseph Glisczinski, Mark Peeters, Corey Saffert, Verizon Business Office, Kirti Rose, Chelsea J. Meyers, Leslie Stephenson, Michael Calantone, Winsome Taik, John M Laughon, Lisa Lauture, Alice Hsieh, Roy Piestley, and Verizon Benefits Center. These defendants are hereby dismissed from this action. The motion is denied with respect to Verizon Communications Inc. The motion is further denied with respect to the following claims: (1) discrimination on the basis of religion in violation of Title VII; (2) discrimination on the basis of national origin in violation of Title VII; (3) discrimination on the basis of disability in violation of the ADA; (4) retaliation under both Title VII and the ADA. The motion is granted as to any other claim. (cc: all counsel and mailed to pro se party)(mlm) (Entered: 02/02/2024)
02/05/2024	<u>70</u>	LETTER from Brian G. Nuedling <i>requesting clarification on dismissed parties.</i> (Nuedling, Brian)
02/06/2024	71	TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 2/6/2024. Marc Fisher having been inadvertently omitted from the court's prior order, he is dismissed as a defendant for the reasons set forth in ECF No. <u>69</u> . (cc: all counsel and mailed to pro se party)(mlm)
02/06/2024	<u>72</u>	NOTICE OF APPEAL as to <u>69</u> Order on Motion for Leave to File, Order on Motion for Order to Show Cause, Order on Motion to Dismiss, by Alper Kolcu. (cc: all counsel) (lmf)
02/06/2024	<u>73</u>	MOTION for Leave to Appeal Without Prepayment of the Filing Fee by Alper Kolcu. (lmf)
02/06/2024	<u>74</u>	MOTION for Certification of Order and for Stay of Proceedings Pending Appeal by Alper Kolcu. (lmf)
02/06/2024	<u>75</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>72</u> Notice of Appeal (lmf)